

A STUDY ON IMPLEMENTING LAW AS A TOOL OF SOCIAL ENGINEERING POSTREGIONAL ELECTION CONFLICT IN WEST SUMBA REGENCY

Ongky Alexander Pati¹, Saryono Yohanes² and Aksi Sinurat³

Graduate Law Science Program, Nusa Cendana University Kupang
Email: ongkypati225@gmail.com

ABSTRACT

Southwest Sumba Regency has a diverse culture. This is what often causes conflict. The method used in this study is empirical legal research. In the study it was found that the application of the Theory as a Tool of Social Engineering in the holding of general elections for regional heads under Southwest Sumba had not been used as it should. The Relationship between Legal Theory As a Social Engineering Tool with customary law in the post-task completion of the regional head in the southwest Sumba district has not shown a positive nature. The role of government and society must be more than a precursor so that the law can be adhered to. The people of Southwest Sumba and the Sumba community in general must be able to carry out customary and legal law as Social Engineering together.

Keywords: law as a tool of social engineering, regional head election, Sumba

INTRODUCTION

The role of law in various aspects of social life, economy, politics, culture, security and public order, can no longer be denied that its role is very large. In the social field, this role stands out partly because the legal position is always positioned as a determinant of the values of honesty, truth, justice, goodness and so on. In the economic field, the role of law has more to do with the source of the legitimator of the use of production resources in society when they are to be used. Likewise in the political field, the law has the role of inviting, directing, and encouraging the public to participate in the General Elections (Elections) in the selection of legislative candidates, presidential and vice presidential elections as well as the Head General Election Regions (Pemilukada). Likewise, in the field of culture, the role of law is generally known as the holder, custodian and sanctioner of the community who violates the traditional values that are adhered to. In the field of security and order, the role of law is very prominent, which always has a tendency to maintain and maintain the security and order of the people in the region.

The function of law in society is very diverse, depending on various factors in society. In addition, the legal function in an undeveloped society will also be different from that found in a developed society. Every society, the law functions more to guarantee security in society and guarantee the achievement of social structures expected by the community. However, in advanced societies, law has become more general, abstract and more distant from its context. Theories about the function of law in advanced societies can be seen from both sides, namely the first side where the progress of society in various fields requires the rule of law to regulate it, so that the legal sector was also drawn by the development of the community. The second side is where good law can develop society or direct the development of society.

In line with the above thinking, the focus of this writing lies in the application of theory Law s A Social Tool of Engineering in the aftermath of the conflict in the Election of Regional Heads in Southwest Sumba Regency. Furthermore, to support this problem, the prospective writer explains about the characteristics of Southwest Sumba Regency and the main things that form the basis of the conflict of Regional Head Elections. Southwest Sumba Regency is anew regency on Sumba Island. Southwest Sumba Regency is a New Autonomous Region which blossomed from West Sumba Regency in 2007. The Regency was formed based on the Law of the Republic of Indonesia Law No.26 of 2007. On August 27, 2007, Southwest Sumba Regency officially became an autonomous region newly bloomed from the parent district of West Sumba. Southwest Sumba in terms of the time of the formation of this regency was 11 years old, although its age is still relatively young but physically it seems to have experienced significant changes before becoming the Regency itself.

The people of Southwest Sumba Regency consist of several tribes that live side by side such as the Kodi, Wewewa and Laura tribes, living also with Chinese, Sabu, Javanese, Balinese, Lombok and Bima with very little numbers and only in urban areas. Sumba

Regency residents Southwestern with ethnic Kodi, Lora and Wewewa in their daily lives, there are still many who are bound by the values, norms, traditions and customary law which are the philosophy of life for the people of Southwest Sumba. The adat system which is the philosophy of life of the Southwest Sumba community is revealed in the Southwest Sumba Regency logo, Loda Wee Maringi, in Wee Malala. The meaning of the logo is "a place that brings coolness, a place that brings blessing" (On = place, location, area. Warmaring = cold water. Wanala = blessing water, water that brings coolness, peace and prosperity).

The people of Southwest Sumba highly value culture in various aspects of their lives. This is what shapes the cultural identity of Southwest Sumba's culture, which is manifested in various aspects of life, from the events of human births, marriages and deaths. .

Realizing this, the people of Southwest Sumba Regency cannot be separated from the customary and belief system that is the norm and philosophy of life in the Southwest Sumba community. The adat system with the beliefs meant such as taking part in maintaining the traditional traditions, values and customary laws that exist in the Southwest Sumba community. As a result, the role of traditional leaders or Rato becomes very important and is calculated with every activity of social life, economy, politics, security and order in society, including elections and post-conflict local elections.

The people of Southwest Sumba in addition to having a religion that is embraced, they apparently also still have certain beliefs called the original belief that is "Marapu". This original belief is manifested in the form of traditional villages. Customary villages are areas that maintain and preserve customary values and beliefs. Adat is a sacred thing so that from adat also forms patterns and character of community life. Ritually, traditional villages have similarities, but in the ceremonial ceremonial process they have differences in their respective traditional villages.

Indeed, Southwest Sumba Regency has carried out the Regional Head General Election process, the first to be held in 2009. Of course, this is a matter of pride for the Southwest Sumba community that is able to directly elect Regional Heads and Deputy Regional Heads. The results of the Regional Head Election were won by dr. Cornelis Kodi Mete (as Regional Head) and Drs. Jacob Malo Bili (as Deputy Regional Head). In addition, in 2013, Southwest Sumba Regency held the 2nd Regional Head General Election.

The problem is that during the Regional Head General Election (Pemilukada), a conflict that began with cheating the results of the Regional Head Election which won the Regional Head Candidates Markus Dairo Tallo and Dara Tangguh. Specifically, this conflict originated from the results of the General Election Commission plenary that won the candidate pairs of Regional Head Markus Dairo Talo and Dara Tangguh as the winners of the 2013 Regional Head General Election as elected Regent and Deputy Regent for the 2013-2018 period. But these results could not be accepted by the candidate pair Kornelis Kodi Mete and Daud Lende Umbu Moto, after which the candidate pair filed a lawsuit to the Constitutional Court about the dispute over the Regional Head Election results. However, the lawsuit was rejected. In its ruling, it rejected the petitioners' requests for the Kornelis Kodi Mete and Daud Lende Umbu Moto and strengthened the plenary meeting of the Southwest Sumba Election Commission. The reason the application was rejected was not enough evidence (wrong proof 144 ballot boxes arrived late). So there was a delay in the arrival of the ballot box the day after the Constitutional Court Judge decided the results.

After that, the ballot box was sent back for a repeat plenary. Apparently, the results of the re-plenary couple Kornelis Kodi Mete and Daud Lende Umbu Moto received votes that surpassed Markus Dairo and Dara Tangguh. This clearly triggered the anger of the people supporting Kornelis Kodi Mete and Daud Lende Umbu Moto. This caused a riot of supporters between the two partners which resulted in 38 housing units being burned and 3

people die. In addition, the chairman of the General Election Commission who was proven to have inflated the vote was convicted with a sentence of 13 months in prison and also a vacancy for 1 year. During the inauguration of the couple Markus Dairo Talo and Dara Tangguh Kaha, it was held in Jakarta and was inaugurated by the Minister of the Interior.

Based on the arguments presented, the problems discussed in this paper are first, how is the application of Theory of Law As A Tool of Social Engineering in the holding of Regional Head Elections in Southwest Sumba Regency, secondly, how is the relationship of Law As A Tool of Social Engineering Theory customary law in organizing Regional Head General Elections in Southwest Sumba Regency.

RESEARCH METHODS

As a consequence of the selection of the problems examined in this study, the authors use a type of empirical juridical research, namely research conducted to see the application of Theory of Law As A Tool Of Social Engineering in the holding of Regional Head Elections in the post-conflict Southwest Sumba Regency. Sources of data in the study are primary data sourced from the study location, namely Southwest Sumba Regency and sourced from interview data with Rato, the Police, KPU Chairperson and Southwest Sumba Regency community. In analyzing the data the author tries to solve the problems contained in the formulation of the problem by using descriptive juridish analysis qualitative, i.e. describing a state or status of phenomena with words or sentences, then separated according to categories to obtain conclusions.

This data analysis is the process of systematically searching and compiling data obtained from results, interviews, field notes, and documentation studies by organizing synthesized data, compiling into important patterns and which ones will be studied, and making conclusions so that they are easily understood by the self yourself and others.

DISCUSSION

The application of Theory Law As A Tool Of Social Engineering in the holding of the Regional Head General Election in the Southwest Sumba Regency after the conflict in 2013. The main focus of the Pound with the concept of social engineering is interest balancing, and therefore the most important thing is the ultimate goal of the law being applied and directing society towards a more advanced direction. For Pound, there is a functional relationship between law and society. And because legal life lies in the work it produces for the social world, the main objective in social engineering is to direct social life in a more advanced direction. According to him, law does not create satisfaction, but only gives legitimacy to human interests to achieve satisfaction in balance.

Law as a means of social engineering means the conscious use of law to achieve the order or condition of society as aspired, or to make the desired changes. The law is no longer seen merely as a guardian of the status quo, but is also believed to be a regulatory system for achieving certain goals in a planned manner. The law works by plotting one's actions or laws between people in the community. For the purposes of the erection, the law describes its work in a variety of functions, namely: (1) making norms, both those that provide designation and those that determine the relationship between person and person; (2) settlement of disputes; (3) guaranteeing the continuity of people's lives, i.e. in the event of changes. In connection with the explanation above, the authors conclude that law in modern society has a prominent characteristic that is its use has been made consciously by the community. Here the law is not only used to reinforce the patterns of habits and behavior found in society, but also to direct them to the desired goals, abolish habits which are deemed inappropriate, create new patterns of behavior and so on. This is called the modern view of the law that leads to use of law as an instrument that is law as a social engineering tool.

Responding to this, the authors consider the use of law as a means of changing society or a means of community renewal that can also be referred to as social engineering by the law. And the steps taken in social engineering are systematic, starting from the identification of problems to the solution, namely: Identifying the problems faced as well as possible including recognizing the people who are intending to become targets of their cultivation. Understanding the values that exist in society, this is important in terms of social engineering that will be applied to the community with multiple sectors of life, such as traditional, modern and planning. At this stage the values of the sector are chosen. Make hypotheses and choose what is most feasible to be implemented and follow the course of applying the law and measuring its effects.

A rule of law will be obeyed and obeyed by the community if it provides guarantees for their rights and obligations proportionately. When someone feels a rule that surrounds it gives comfort, then the individual will submit and obey the rule of law. In reality, in society there live unwritten rules, better known as customary law. Although the rules are not written but the people (adat) obey the rules because customary law does not recognize the codification of the rule of law. Unwritten laws can be formed from patterns of behavior (habits) of society.

The people of Southwest Sumba in their daily lives still adhere to the customary philosophy. Customary law is born from all good habits. Unlike the tradition which also comes from something that is not good. Because adat is born from good habits, customary law is obeyed by the community. However, public awareness of the fulfillment of justice will be fulfilled. When compared with the Law which is very rigid and tends to be a fetter for the community.

Talking about unwritten laws is closely related to the existence of a society because unwritten laws are born and formed in society. Society is a group of people consisting of

various individuals who occupy a certain area in which there are various kinds of functions and specific tasks. Communities can be formed due to genealogical, cultural, cultural, religious similarities, or because they exist in the same territory. Community groups have ancestral origins in generations in certain geographical areas and have their own values, ideology, economy, politics, culture, social and territory ". More simply we can say that indigenous peoples are bound by customary law, descent and residence. Adherence to customary law means that customary law is still alive and obeyed and there are customary institutions that are still functioning among other things, to monitor that customary law is indeed obeyed. Although in many places the rules that apply are not written down, but they are remembered by most of the people. Customary law, historically empirically can be traced that customary law is always obeyed by community members because of a belief system that is deeply rooted in the hearts of its citizens, so that it is able to control the behavior and actions of its adherents from negative traits. In addition, it is also because materially and formally, customary law originates from the community itself, or is the will of the group. Therefore, legal compliance will remain as long as the will of the group is recognized and upheld together, because it is the will of this group that causes the arising and maintenance of the moral obligations of the citizens. Customary law as an unwritten law also has advantages and disadvantages as humans themselves. Because after all because unwritten laws are human formations. The advantages are responsive, not rigid and in accordance with a sense of justice. The disadvantage is the lack of legal certainty and constantly changing.

Based on the explanation above, the author believes that so far the unwritten rules are often considered not guaranteeing legal certainty because in solving a problem the rules used can be applied differently. It is different from the law which treats everyone equally before the law. Though it is not necessarily good, it is not always a person doing an act with the same motives and reasons. This is what the written law does not have.

The unwritten law is often considered inconsistent because it can change at any time according to the interests that require it. For us this is very good because it will guarantee a sense of justice for the community. The written law has always been left behind from phenomena that arise in society. For this reason unwritten laws back up laws.

In relation to legal awareness and compliance, there are fairly basic differences between customary law and positive law. Awareness of indigenous peoples of good and bad norms is voluntary as a result of the existence of the moral obligation, whereas the awareness of modern human law is due to the coercive nature of the law. Thus, the legal compliance of modern society is not due to the upholding of the rule of law, but rather is caused by fear of sanctions or threats given by the law. In line with the above opinion, the authors argue that although not written but customary law has legal consequences on anyone who violates it. The norms and values that exist in customary law are strongly adhered to and adhered to by indigenous peoples.

Customary law as unwritten legal regulations grows and develops and is maintained with legal awareness of the people. Because these regulations are unwritten and thrive, customary law has the ability to adapt and be elastic. The people of Southwest Sumba in addition to having a religion that is embraced, they apparently also still have certain beliefs called the original belief that is "Marapu". This original belief is manifested in the form of traditional villages. Customary villages are areas that maintain and preserve customary values and beliefs. Adat is a sacred thing so that from adat also forms patterns and character of community life. Ritually, traditional villages have similarities, but in the ceremonial process they have differences in their respective traditional villages.

Based on the conditions described, the authors consider that the people of Southwest Sumba Regency cannot be separated from the traditional systems and beliefs that are the norm and philosophy of life of the Southwest Sumba people. The adat system with the beliefs

meant such as taking part in maintaining the traditional traditions, values and customary laws that exist in the Southwest Sumba community. As a result, the role of traditional leaders or Rato becomes very important and calculated with every activity of social life, economy, politics, security and order in society.

The Relationship between 'Law as a Tool of Social Engineering' with customary law in the holding of Regional Head Elections in Southwest Sumba Regency. The function of law as a tool of social engineering, also often referred to as A Tool of Engineering which in principle is a legal function that can be directed to change certain patterns in a society, both in the sense of establishing a habit into something that is more trusted and more obeyed, or in the form of other changes. Other changes are meant, among others, to eliminate a habit that is already considered not in accordance with the conditions of the community, or in forming new habits that are considered more appropriate, or can lead the community in certain directions that are considered better than before.

The people of Southwest Sumba Regency are indeed different in terms of ethnicity, ethnicity and religion, but their social and cultural relations are very close. Social relations between citizens are also influenced by customary values, customary rules that are highly sacred and the presence of Rato (Traditional Figure) as the number one person who is a role model for their citizens as well as customary stakeholders for them. Social relations that are well-connected joyfully are more visible when events occurs suffering, like a death ceremony. At this ceremony, the community of each large Kabisu and the community in general made a voluntary contribution to ease the burden of the bereaved family and livestock to be slaughtered, in accordance with traditional poetry "Wawi Jakapore, Kamba Janmandiroko" the meaning is very profound meaning Wawi Jakapore (pigs are not sickness means the form of offerings made to the ancestors as an expression of gratitude for the abundance of blessings given), Kamba Janmandiroko (Fabric that is not damaged means that

the expression of gratitude is a form of protection made by the ancestors as an expression of gratitude for the abundance of blessings given), Kamba Janmandiroko the ancestors) ".

Before the post-conflict local election process took place, people in Southwest Sumba Regency usually performed an adat ritual because of the strong cultural factors of the community. The cultural factor in question is like a traditional promise. Promise adat is an agreement with the community to be obeyed together based on the values, customary norms and rules that bind all community behavior. In the life of the Southwest Sumba community, traditional promises are made in the form of a shared meal in the "katakunotor" home of the customary head, marked by the purchase of a dog and a horse which is a symbol to support and succeed certain packages or figures at democratic parties or in traditional poetry. commonly called "Eyes of Fire".

In accordance with the results of the study, the community held firmly related to the traditional promises agreed upon by traditional leaders and candidates for the Regent, the community said that the candidate for the Regent was keeping promises that had been agreed between the Regent candidate with traditional leaders and the people of Southwest Sumba marked by the purchase of a dog and a horse in the traditional language "Proud Ole Dewa, Ndara Ole Ura" which is a symbol of the bond between the legislative candidates and traditional leaders and the community to support and succeed the package at the post-conflict local election party.

Deliberation which is built by conducting traditional ceremonies in Parona unconsciously is also a culture, because talking about traditional ceremonies is certainly not independent of culture. Traditional consultation in the form of traditional promises is in mark with the slaughter of animals (Eyes of Fire). When the writer interviewed one of the winning teams who carried out a traditional ceremony in Parona, Mr David Kaka was elected legislator for the 2014-2019 period, he stated: "In taking part in major events such as

legislative elections, of course we must have one back. I went to do a traditional ceremony in Parona (big village) actually to ask for the blessing of the ancestors and the blessing of Rato (traditional leaders) and get support from the community because as I said before, I also fought on behalf of and with the region. Seeing the explanation above, the writer argues that the culture is actually owned by a group of people, the culture tends to survive and change, meaning that as long as the community exists, as long as it exists, and culture also tends to help humans, such as conducting traditional ceremonies in the lead up to the general election to ask for blessing and support from the community. The power held by traditional leaders has a positive contribution to the efforts to create security and public order. Especially when there is a conflict related to the election results, the community members involved in the conflict will be more easily controlled and given good direction by traditional leaders.

On the other hand, positive law in Southwest Sumba Regency runs in accordance with legal procedures such as preparing and overseeing the implementation of the Election stage, which consists of: updating voter data and determining temporary voter lists and permanent voter lists, determining election participants; the nomination process up to the determination of members of the People's Legislative Assembly, the Regional Representative Council, the Regional People's Representative Council, pairs of candidates for president and vice president, and candidates for governors, regents and mayors in accordance with statutory provisions; campaign implementation; Election logistics procurement and distribution; voting and vote counting results in the TPS; the movement of ballots, minutes of vote counting, and certificates of the results of vote counting from the TPS level to the PPK; movement of tabulation tabs for vote counting from the TPS level to the sub-district; the process of recapitulation of the results of the vote acquisition in PPS, PPK, Regency KPU.

The problem is that this process faces obstacles and obstacles, because the political situation after the conflict in 2013 was carried over until the 2018 post-conflict local election,

BAWASLU and KPU took concrete steps by involving the presence of security forces and the role of Indigenous Leaders. Examined from the perspective of the existence of legal institutions and customary law in their daily lives, it is a form of authenticity of the local community that is still strong with the teachings of primordialism because it is based on shared needs, mutual cooperation values and a spirit of togetherness. Without realizing that the noble values of all aspects of life have been regulated by customary law norms. Indigenous peoples have customary structures and institutions with various legal instruments that are owned and have a strong existence to date. Adat institutions are proven as institutions that resolve conflicts that cannot be handled by formal institutional structures of Community groups that have ancestral origins (hereditary). This means that a group is included in an adat community if it has its own system of running their livelihood, which is formed due to continuous interaction within the group and has its own territory, where the value systems they believe are still applied and applies to the group.

That in fact from the very beginning the emergence of customary law is a law that lives in the community and develops dynamically because it is in line with the development of the community and is elastic, meaning that customary law is easy to adjust to legal events arising from community development.

Positive law must pay attention to customary law which is the law that lives in the community. Customary law as a living law will still exist and is useful as a complement of positive law.

In addition, the mention of customary law for unwritten law does not diminish its role in providing the distribution of custom, unspoken interests in written law. Customary law as a valid law does not depend on the authority of the ruler but depends on the strength and social processes that occur in the society concerned. In other words, even if the authorities in that

society want to grow as a living law, but the law has become a death sentence, it will certainly not succeed, and vice versa.

The validity of a legal system must be based on the facts that exist in society. The reality in society is a living law (customary law) and as one of the sources of law which is very important to obtain materials for the development of national law that leads to the unification of law mainly through legislation.

CONCLUSION

The application of the Law As A Tool for Social Engineering in the holding of regional head elections, especially after the conflict in regional elections in Southwest Sumba has not functioned as it should. The relationship between the Theory of Law As A Social Engineering Tool and customary law in conflict resolution after the election of regional heads in southwest Sumba district has not shown a positive effect.

SUGGESTION

The role of the government and the community must be more preventive so that the law can be obeyed. The community of Southwest Sumba and the people of Sumba in general must be able to carry out customary law and law as social engineering together. Because in fact the law must continue to be grounded which means it can prosper the people and ultimately realize that we have a legal status to make people feel happy living in the rule of law in Indonesia, and finally a fair and peaceful Sumba is not a necessity but a certainty.

REFERENCES

<https://m.antaranews.com/berita/397990/medah-kontroversial-hasil-pilkada-sumba-barat-daya>, accessed on January 20, 2018 at 20.35 Wita
Munir Fuady, Big Theories in Law, Jakarta, Kencana Prenadamedia Group 2014,

Ongky Alexander Pati, Role of Indigenous Leaders in Increasing Community Political Participation in the 2014 Legislative Election of Southwest Sumba Regency (Study in Kapaka Village Madeta, Kodi Subdistrict, Southwest Sumba Regency), Thesis, Faculty of Social and Political Sciences, Nusa Cendana University, Kupang,
Suharsimi Arikunto. 2006. Research Procedure A Practical Approach. Rineka Cipta. Jakarta. P. 236.